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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 10/734,252 | 12/15/2003 | Michael David Watkinson | 33779/US | 2283 |

25763 7590 10/27/2006

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EXAMINER

BETIT, JACOB F

| ART UNIT | PAPER NUMBER |
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2164

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,252

Applicant(s)

WATKINSON, MICHAEL DAVID

Examiner

Jacob F. Betit

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 15, 17, 18, 24-26 and 29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4, 15, 17, 18, 24-26 and 29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 15 September 2006, claims 1-2, 4, 15, 17-18, 24-26, and 29 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 17-18, 24-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al. (International Publication No. WO 03/019422 A1) in view of Schenker et al. (U.S. patent No. 6,633,223 B1).

As to claim 1, Jacobson et al. teaches a method for synchronizing database records, said method comprising the steps of:

storing, on a central computer, data files and image files (see page 17, lines 4-12);

storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first memory and said image files are stored in a second memory (see page 18, 7-31);

creating new or modified files on one or both of the central computer or the mobile computer, wherein the new or modified files may be data files or image files (see page 18, lines 12-18);

synchronizing data files stored on said central computer with data files stored in the first memory of said mobile computer using a conduit program between said central computer and said mobile memory (see page 18, 19-27 and see figure 4, reference numbers 409, 410, and 411); and

exporting image files stored on said central computer to said second memory of said mobile computer (see page 18, lines 19-27; see figure 4, reference number 408; and see column 11, lines 5-13 and lines 28-33).

Jacobson et al. does not teach storing student record, demographic and class schedule data files. Schenker et al. teaches this (see figure 4, reference number 78 and see column 13, line 20 through column 14, line 53). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jacobson et al. to include the teachings of Schenker et al. because these teachings would allow a teacher to use the device with students to make sure the correct students show up for classes and tests the same way the doctors of Jacobson et al. use the device to keep track of patients and would help keep track of institutional inventory used by students (see Schenker et al., column 8, line 66 through column 9, line 6).

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As to claim 2, Jacobson et al. as modified, teaches wherein said conduit program determines a user number associated with said mobile computer (see Jacobson et al., page 17, line 13 through page 18, line 2).

As to claim 4, Jacobson et al. as modified does not explicitly teach wherein said conduit program synchronizes a plurality of users via a 32 bit integer where each user is represented by 2 bits. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Jacobson et al. to include the conduit program including this because it is a design choice made by a computer programmer which would be chosen as a balance between the number of users that should be represented, the amount of memory the identifier should take up, the amount of different bits there should be between users to avoid confusion between users, and the speed on which the user should be identified.

As to claim 17, Jacobson et al. as modified, teaches wherein said steps of exporting the image files; and synchronizing the data files are performed wirelessly (see Jacobson et al., page 11, lines 14-22).

As to claim 18, Jacobson et al. teaches a computer readable medium, said computer readable medium comprising instructions to cause a computer to:

store, in a master database, data files, and image files (see column 17, lines 4-12);

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create new or modified files on one or both of the master database and a mobile computer, wherein the new or modified files may be data files or image files (see page 18, lines 12-18);

synchronize the data files stored on said master database with data files stored in a first memory of a mobile computer (see column 18, lines 7-31); and

synchronize the image files stored on said master database with a database stored in a second memory of the mobile computer by exporting the image files (see column 11, lines 5-13 and lines 28-33).

Jacobson et al. does not teach student data files. Schenker et al. teaches this (see figure 4, reference number 78 and see column 13, line 20 through column 14, line 53). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Jacobson et al. to include the teachings of Schenker et al. because these teachings would allow a teacher to use the device with students to make sure the correct students show up for classes and tests the same way the doctors of Jacobson et al. use the device to keep track of patients and would help keep track of institutional inventory used by students (see Schenker et al., column 8, line 66 through column 9, line 6).

As to claim 24, Jacobson et al. as modified, teaches wherein the storing of corresponding data and image files is done on a plurality of mobile computers (see Jacobson et al., page 10, lines 15-30).

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As to claim 25, Jacobson et al. as modified, teaches wherein the first memory is a random access memory (see Jacobson et al., page 10, line 15 through page 11, line 4, where it is obvious that memory available in a MCD (PDA) is most often random access memory).

As to claim 26, Jacobson et al. as modified, teaches wherein the second memory is a digital storage device (see Jacobson et al., page 10, line 15 through page 11, line 4, where it is obvious that memory in a MCD is going to be a digital storage device).

As to claim 29, Jacobson et al. as modified, teaches a method for synchronizing database records, said method comprising the steps of:

storing, on a central computer, student record, demographic and class schedule data files and image files (see page 17, lines 4-12);

storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first memory and said image files are stored in a second memory (see page 18, 7-31);

creating new or modified files on the central computer, wherein the new or modified files may be data files or image files (see page 18, lines 12-18);

synchronizing data files stored on said central computer with data files stored in the first memory of said mobile using a conduit program between said central computer and said mobile memory (see page 18, 19-27 and see figure 4, reference numbers 409, 410, and 411); and

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exporting image files stored on said central computer to said second memory of said mobile computer (see page 18, lines 19-27; see figure 4, reference number 408; and see column 11, lines 5-13 and lines 28-33).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al. (International Publication No. WO 03/019422 A1) in view of Schenker et al. (U.S. patent No. 6,633,233 B1) as applied to claim 1-2, 4, 17-18, 24-26, and 29 above, and further in view of Verts, William T., "An Essay on Endian Order", 1996-04-19, www.cs.umass.edu (herein referred to as Verts).

As to claim 15, Jacobson et al. as modified, does not teach wherein said step of exporting further includes the step of converting data in said image files from little endian format on said central computer to big endian format on said mobile computer.

Verts teaches this (see pages 1-2). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jacobson et al. as modified above to include the teachings of Verts because these teachings would allow a palm using a 68K processor to more easily display the image if it was in bmp format.

Response to Arguments

5. Applicant's arguments filed 15 September 2006 have been fully considered, but are not deemed persuasive.

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In response to the applicant's arguments that "neither Jacobson et al. nor Schenker et al., alone or in combination, disclose, teach, or suggest, at least, 'synchronizing data files stored on said central computer with data files stored in the first memory of said mobile using a conduit program between said central computer and said mobile memory,' and 'exporting image files stored on said central computer to said second memory of said mobile computer', and similar arguments directed toward claim 18, the arguments have been fully considered but are not deemed persuasive. All the elements of these limitations are pointed out in the table below.

| | |
|--|---|
| Synchronizing ... using a conduit program between said central computer and said mobile memory | (synchronization software that executes on the stationary computer) transform the information between the native PALM brand OS storage format and a relational database |
| data files stored on said central computer | a relational database utilized by the stationary computer |
| with data files stored in the first memory of said mobile (computer) | information... [in] the native PALM brand OS storage format; and figure 4, reference numbers 409, 410, and 411 |
| Exporting image files | (synchronization software that executes on the stationary computer) transform the information between the native PALM brand OS storage format and a relational database |
| stored on said first central computer | a relational database utilized by the stationary |

| | |
|---|--|
| | computer |
| to said second memory of said mobile computer | information... [in] the native PALM brand OS storage format; and figure 4, reference number 408, it is clear from figure 4 that 408 is a different memory (location) than 409, 410, or 411 |

The applicant states “Jacobson et al. must teach first and second memories of a mobile computer, data files being stored in the first memory and image files being stored in the second memory before it can possibly teach “ the synchronizing data and exporting image files. It is noted that memory is made up of cells that can be broken down to the bit level. Each bit is stored in a different memory. Therefore, not only is the data files and image files stored in different memory, but also, each bit of the data files and image files is stored in different memory.

It is further noted that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70 (i.e. rearranging memory into two physically separate parts). Constructing a formerly integral structure into various elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179 (i.e. separating one memory into two or more memories).

The examiner acknowledges the applicant’s note that “Jacobson et al. does not include columns and, thus, the applicant’s are unable to address the Examiner’s assertion regarding

column 11, lines 5-13 and 28-33". However the Examiner puts forth that Jacobson et al. does have columns. There is one column per page, and column 11 is on page 11.

In response to the applicant's arguments that "the teachings of Jacobson et al. and Schenker et al. cannot properly be combined given that Jacobson et al. is concerned with creating information on a mobile computer and Schenker et al. is concerned with receiving information on a mobile computer", the arguments have been fully considered but are not deemed persuasive. Jacobson et al. teaches "synchronizing a repository across multiple mobile computer devices (403) using an administered identifier space to track identifier ranges reserved to the mobile computing devices" (see abstract). Thus at some point in time data is transferred from one device to another and not just created on a mobile computer as the applicant's characterization of the reference states. Further the portable devices of Schenker et al. are equipped with input devices for inputting (creating) data (see column 12, line 60 through column 13 line 19). Therefore the devices are much more similar than characterized by the applicant.

Further it is noted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to the applicant's arguments that "while Figure 4 does show that a digital photograph can be taken with and stored on the MCD, it does not show 'exporting image files stored on said central computer to said second memory of said mobile computer'", the arguments

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have been fully considered but are not deemed persuasive. Although Figure 4 does not show this exportation step, Jacobson et al discloses this step. This is evident at least on page (column) 11 lines 32-33; “the contextually supported photograph is preserved so that it may be retrieved, transferred to, and reviewed using the MCD.”

It is noted that all of the responses dealing with the arguments directed to claim 1 equally pertain to the arguments directed to claim 18.

It is also noted that the applicant states that claims 1 and 18 are “amended”, however no amendments have been made in this response. All pending claims are either “previously presented” or “original” as shown in the listing of claims that accompanied the response filed on 15 September 2006.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb
21 Jun 2006


SAM RIMELL
PRIMARY EXAMINER